

REMARKS

This is a full and timely response to the outstanding Response to Amendment mailed May 9, 2005. More specifically, the Office Action mailed May 9, 2005 requested an explanation stating reasons for allowability regarding newly added claims 118 – 133. Upon entry of this response, claims 96 – 104, 118 – 133 remain pending. Reconsideration and allowance of the application and presently pending claims are respectfully requested.

I. Claim 124 is Patentable over the Cited Art

Applicants submit that claim 124 is patentable over the art cited in the Office Action mailed December 1, 2004 for at least the reason that none of the cited references include:

A television set-top terminal (“STT”) coupled to a server via a bi-directional communication network, said STT comprising...

at least one processor that is programmed by the program code to enable the STT to:

provide said one of the plurality of rentable video presentations to the user *without promotional advertising responsive to the second user input corresponding to the selection of the first rental option; and*

provide said one of the plurality of rentable video presentations to the user with promotional advertising responsive to the second user input corresponding to other than the selection of the first rental option. (emphasis added)

Applicants submit that the cited art fails to disclose, teach, or suggest at least the above listed elements of new claim 124. Applicants further submit that the elements of claim 124 listed above are not the only patentable limitations of claim 124, but have been chosen as a nonlimiting example. For at least this reason, Applicants submit that new claim 124 is allowable over the cited art.

II. Claim 131 is Patentable over the Cited Art

Applicants submit that claim 131 is patentable over the art cited in the Office Action mailed December 1, 2004 for at least the reason that none of the cited references include:

A television set-top terminal (“STT”) coupled to a server via a bi-directional communication network, said STT comprising...
at least one processor that is programmed by the program code to enable the STT to...

responsive to the first user input, determining from the media guide data whether said one of the plurality of on-demand rentable video presentations can be viewed without promotional advertising;

responsive to determining that said one of the plurality of on-demand rentable video presentations can be viewed without promotional advertising, *providing a user-selectable rental option to view said one of the plurality of on-demand rentable video presentations without promotional advertising ; and*

responsive to determining that said one of the plurality of on-demand rentable video presentations is be viewed with promotional advertising, providing said one of the plurality of on-demand rentable video presentations with promotional advertising. (emphasis added)

Applicants submit that the cited art fails to disclose, teach, or suggest at least the above listed elements of new claim 131. Applicants further submit that the elements of claim 131 listed above are not the only patentable limitations of claim 131, but have been chosen as a nonlimiting example. For at least this reason, Applicants submit that new claim 131 is allowable over the cited art.

II. Claims 118 – 123, 125 – 130, and 132 – 133 are Patentable over the Cited Art

Applicants submit that claims 118 – 123 are patentable over the art cited in the Office Action mailed December 4, 2004 for at least the reason that these claims depend from allowable independent claim 96. Further, claims 125 – 130 are believed to be allowable for at least the

reason that these claims depend from allowable independent claim 124. Additionally, claims 132 and 133 are believed to be allowable for at least the reason that these claims depend from allowable independent claim 131. *In re Fine, Minnesota Mining and Mfg. Co. v. Chemque, Inc.*, 303 F.3d 1294, 1299 (Fed. Cir. 2002).

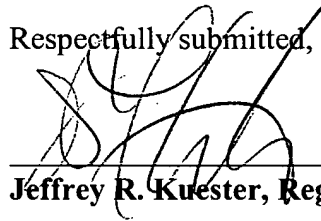
CONCLUSION

At least the reasons set forth above, Applicants respectfully submit that all objections and/or rejections have been traversed, rendered moot, and/or accommodated, and that the now pending claims 96 –104, and 118 – 133 are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested.

Any other statements in the Office Action that are not explicitly addressed herein are not intended to be admitted. In addition, any and all findings of inherency are traversed as not having been shown to be necessarily present. Furthermore, any and all findings of well-known art and official notice, or statements interpreted similarly, should not be considered well known since the Office Action does not include specific factual findings predicated on sound technical and scientific reasoning to support such conclusions.

If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned attorney at (770) 933-9500.

Respectfully submitted,



Jeffrey R. Kuester, Reg. No. 34,367

**THOMAS, KAYDEN,
HORSTEMEYER & RISLEY, L.L.P.**
Suite 1750
100 Galleria Parkway N.W.
Atlanta, Georgia 30339
(770) 933-9500